

member of the governing board or governing board of trustees of the entity or institution, any individual who has been determined to be—

(A) involved in or advocating terrorist activity; or

(B) a member of a foreign terrorist organization.

(b) **FUNDS DESCRIBED.**—Funds described in this subsection are funds appropriated under the heading “Economic Support Fund”, “Development Assistance”, “Global Health”, “Transition Initiatives”, or “International Humanitarian Assistance” in an Act making appropriations for the Department of State, foreign operations, and related programs or making supplemental appropriations.

(c) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—The Administrator of the United States Agency for International Development shall, as appropriate—

(A) establish procedures to specify the steps to be taken in carrying out subsection (a); and

(B) terminate assistance—

(i) to any individual, entity, or educational institution that the Secretary has determined to be involved in or advocating terrorist activity; or

(ii) that could benefit such an individual, entity, or educational institution.

(2) **INCLUSION OF CERTAIN ENTITIES.**—In establishing procedures under paragraph (1)(A) with respect to steps to be taken to ensure that assistance is not provided to individuals, entities, or institutions described in subsection (a), the Administrator shall ensure that the recipients and subrecipients of assistance from the United States Agency for International Development and their contractors and subcontractors are included.

SEC. 1299D. RESTRICTION ON FOREIGN ASSISTANCE TO COUNTRIES IN WHICH COUPS D'ÉTAT HAVE OCCURRED.

(a) **IN GENERAL.**—None of the funds appropriated or otherwise made available pursuant to an Act making appropriations for the Department of State, foreign operations, and related programs or making supplemental appropriations may be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of the enactment of this Act, a coup d'état or decree in which the military plays a decisive role.

(b) **RESUMPTION OF ASSISTANCE.**—Assistance described in subsection (a) may be resumed to a government described in that subsection if the Secretary of State certifies and reports to Congress that, subsequent to the termination of such assistance, a democratically elected government has taken office.

(c) **EXCEPTION.**—The prohibition under subsection (a) shall not apply to assistance to promote democratic elections or public participation in democratic processes.

(d) **NOTIFICATION PROCEDURES.**—Funds made available pursuant to subsection (b) or (c) shall be subject to the regular notification procedures of the Committees on Appropriations of the Senate and the House of Representatives.

SA 4359. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1210. FUNDING FOR INTERNATIONAL MILITARY EDUCATION AND TRAINING IN LATIN AMERICA, SOUTHEAST ASIA, AND AFRICA.

There is authorized to be appropriated for fiscal year 2022 for the Department of State \$14,100,000 for International Military Education and Training (IMET) assistance for countries in Latin America, Southeast Asia, and Africa, to be made available for purposes of—

(1) training future leaders;

(2) fostering a better understanding of the United States;

(3) establishing a rapport between the United States Armed Forces and the military forces of countries in Latin America, Southeast Asia, and Africa to build partnerships for the future;

(4) enhancing interoperability and capabilities for joint operations; and

(5) focusing on professional military education, civilian control of the military, and protection of human rights.

SA 4360. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ COUNTERING THE MILITARY-CIVIL FUSION STRATEGY OF THE CHINESE COMMUNIST PARTY.

(a) **DEFINITIONS.**—In this section:

(1) **CHINESE ENTITY OF CONCERN.**—The term “Chinese entity of concern” means—

(A) any college or university in the People's Republic of China that is determined by the Secretary of Defense to be involved in the implementation of the military-civil fusion strategy, including—

(i) any college or university known as the “Seven Sons of National Defense”;;

(ii) any college or university that receives funding from—

(I) the People's Liberation Army; or

(II) the Equipment Development Department, or the Science and Technology Commission, of the Central Military Commission;

(iii) any college or university in the People's Republic of China involved in military training and education, including any such college or university in partnership with the People's Liberation Army;

(iv) any college or university in the People's Republic of China that conducts military research or hosts dedicated military initiatives or laboratories, including such a college or university designated under the “double first-class university plan”;;

(v) any college or university in the People's Republic of China that is designated by the State Administration for Science, Technology, and Industry for the National Defense to host “joint construction” programs; and

(vi) any college or university in the People's Republic of China that has launched a platform for military-civil fusion or created national defense laboratories;

(B) any enterprise owned by the People's Republic of China; and

(C) any privately owned company in the People's Republic of China—

(i) that has received the Weapons and Equipment Research and Production Certificate;

(ii) that is otherwise known to have set up mechanisms for engaging in activity in support of military initiatives;

(iii) that has a history of subcontracting for the People's Liberation Army or its affiliates; or

(iv) that has an owner or a senior management official who has served as a delegate to the National People's Congress or a member of the Chinese People's Political Consultative Conference.

(2) **COVERED ENTITY.**—The term “covered entity” means—

(A) any Federal agency that engages in research or provides funding for research, including the National Science Foundation and the National Institutes of Health;

(B) any institution of higher education, or any other private research institution, that receives any Federal financial assistance; and

(C) any private company headquartered in the United States that receives Federal financial assistance.

(3) **FEDERAL FINANCIAL ASSISTANCE.**—The term “Federal financial assistance” has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations).

(4) **MILITARY-CIVIL FUSION STRATEGY.**—The term “military-civil fusion strategy” means the strategy of the Chinese Communist Party aiming to mobilize non-military resources and expertise to contribute directly to the development of technology for use by the People's Liberation Army.

(b) **PROHIBITIONS.**—

(1) **IN GENERAL.**—No covered entity may engage with a Chinese entity of concern in any scientific research or technical exchange that has a direct bearing on, or the potential for dual use in, the development of technologies that the Chinese Communist Party has identified as a priority of its national strategy of military-civil fusion and that are listed on the website under subsection (c)(1)(A).

(2) **PRIVATE PARTNERSHIPS.**—No covered entity described in subsection (a)(2)(C) may form a partnership or joint venture with another such covered entity for the purpose of engaging in any scientific research or technical exchange described in paragraph (1).

(c) **WEBSITE.**—

(1) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of State, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall establish and periodically update a website that includes—

(A) a list of the scientific research or technical exchange for which the prohibitions under subsection (b) apply, which shall initially include quantum computing, big data analytics, semiconductors, new and advanced materials, 5G telecommunications, advanced nuclear technology (including nuclear power and energy storage), aerospace technology, and artificial intelligence; and

(B) to the extent practicable, a list of all Chinese entities of concern.

(2) **RESOURCES.**—In establishing the website under paragraph (1), the Secretary of Defense may use as a model any existing resources, such as the China Defense Universities Tracker maintained by the Australian Strategic Policy Institute, subject to any other laws applicable to such resources.

(d) EXCEPTION.—The prohibitions under subsection (b) shall not apply to any collaborative study or research project in fields involving information that would not contribute substantially to the goals of the military-civil fusion strategy, as determined by the guidelines set by the Secretary of Defense.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered entity described in subparagraph (B) or (C) of subsection (a)(2) that violates a prohibition under subsection (b) on or after the date of enactment of this Act shall be precluded from receiving any Federal financial assistance on or after the date of such violation.

(2) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of State, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall—

(A) promulgate regulations to enforce the prohibitions under subsection (b) and the requirement under paragraph (1); and

(B) coordinate with the heads of other Federal agencies to ensure the enforcement of such prohibitions and requirement.

SA 4361. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. TRANSFER OF CERTAIN UNEXPENDED FUNDS RELATED TO AFGHANISTAN FOR THE PURPOSE OF BUILDING A RESILIENT DOMESTIC INDUSTRIAL BASE AND STRENGTHENING DEFENSE TECHNOLOGY INNOVATION.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) great power competition with the People's Republic of China will define the future of the 21st century;

(2) the People's Republic of China is a revisionist power that seek to upend the international system in ways that are inimical to United States national interests;

(3) great power competition with the People's Republic of China is global in nature and requires a whole-of-government response;

(4) resilient domestic manufacturing, a strong and advanced United States Navy, and an innovative economy are critical to succeeding in great power competition; and

(5) promoting and supporting new technological research and development will be necessary to maintain a competitive advantage and effectively combat hostile efforts by the Government of the People's Republic of China.

(b) TRANSFER.—

(1) IN GENERAL.—The President shall transfer to each of the following appropriations accounts for the following purposes an amount equal to one-third of the total amount rescinded under paragraph (2):

(A) The Defense Production Act purchases account for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, 4533)

(B) The Shipbuilding and Conversion, Navy account of the Department of Defense.

(C) The research, development, test, and evaluation, Defense-wide account of the Department of Defense, to be available for the Defense Advanced Research Projects Agency to carry out projects related to strengthening the United States' global advantage in strategic technologies, which may include aerospace, robotics, artificial intelligence, information technology, new and advanced materials, biotechnology, advanced machinery, telecommunications, and energy and power generation.

(2) RESCISSION OF UNEXPENDED FUNDS DEDICATED TO MAINTAINING A MILITARY AND DIPLOMATIC PRESENCE IN AFGHANISTAN.—The following amounts are hereby rescinded:

(A) The unobligated balance of amounts made available to the Department of Defense for the Afghanistan Security Forces Fund.

(B) Of the unobligated balance of amounts made available to the Department of State for Diplomatic Programs, all remaining funds relating to maintaining United States diplomatic personnel in Afghanistan.

(C) Of the unobligated balance of amounts made available for the Economic Support Fund, all remaining funds relating to implementing and supporting comprehensive strategies to combat corruption in Afghanistan, and for the reintegration of former Taliban and other extremists.

(D) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(E) Of the unobligated balance of amounts made available to the Department of State for International Military Education and Training programs, all remaining funds relating to training personnel of the Afghan security forces.

SA 4362. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONSUMER PROTECTIONS REGARDING COVERED FOREIGN SOFTWARE.

(a) CONSUMER WARNING AND ACKNOWLEDGMENT FOR DOWNLOAD OF COVERED FOREIGN SOFTWARE.—

(1) IN GENERAL.—A software marketplace operator or an owner of covered foreign software may not:

(A) Permit a consumer to download covered foreign software unless, before the download begins—

(i) a warning that meets the requirements of paragraph (2) is displayed to the consumer, separately from any privacy policy, terms of service, or other notice; and

(ii) the consumer is required to choose (by taking an affirmative step such as clicking on a button) between the options of—

(I) acknowledging such warning and proceeding with the download; or

(II) cancelling the download.

(B) Make available covered foreign software for download by consumers unless the operator or owner has in place procedures to ensure compliance with subparagraph (A).

(2) REQUIREMENTS FOR WARNING.—The requirements of this paragraph are, with respect to a warning regarding covered foreign software—

(A) that the warning include—

(i) the name of the covered foreign software;

(ii) the name of each owner of the covered foreign software, and, if applicable with respect to each such owner, the name of the covered country—

(I) under the laws of which such owner is organized;

(II) in which such owner conducts its principal operations; or

(III) in which such owner is headquartered;

(iii) the name of each controlling entity of the owner of the covered foreign software, and if applicable with respect to each such controlling entity, the name of the covered country—

(I) under the laws of which such entity is organized;

(II) in which such entity conducts its principal operations; or

(III) in which such entity is headquartered;

(iv) any enumerated risk to data privacy and security or the censorship of speech associated with the laws and practices of a covered country disclosed under this subparagraph;

(v) whether the owner of a covered foreign software, or any controlling entity of such owner, has ever provided the data of United States consumers, as it relates to such software, to any law enforcement agency, intelligence agency, or other government entity of a covered country; and

(vi) a description of how to acknowledge the warning and either proceed with or cancel the download;

(B) that the warning be updated annually; and

(C) such other requirements as the Commission, in consultation with the Attorney General of the United States, shall determine.

(3) LIABILITY OF SOFTWARE OWNER.—If a software marketplace operator permits a consumer to download covered foreign software or makes covered foreign software available for download in violation of paragraph (1), the operator shall not be liable for a violation of such paragraph if the operator reasonably relied on inaccurate information from the owner of the covered foreign software in determining that the software was not covered foreign software, and the owner of the covered foreign software shall be considered to have committed the violation of such paragraph.

(b) CONSUMER DATA PROTECTIONS.—

(1) CONSUMER DATA PRIVACY PRACTICES.—

(A) CONSUMER DATA REPORT.—Not later than 30 days after the date of enactment of this section (or in the case of covered foreign software that is created after such date or software that becomes covered foreign software after such date, 60 days after the date that such software is created or becomes covered foreign software), and annually thereafter, an owner of covered foreign software shall submit to the Commission and the Attorney General of the United States a report that includes a complete description of any consumer data privacy practice of the owner as it relates to the data of United States consumers, including—

(i) the type of data of United States consumers being accessed;

(ii) a description of how such data is used by the owner;

(iii) a description of any consumer data protection measure in place that protects the rights and interests of United States consumers;

(iv) information regarding—

(I) the number of requests from a law enforcement agency, intelligence agency, or other government entity of a covered country to disclose the consumer data of a person in the United States; and